



United States Environmental
Protection Agency
Washington, DC 20460

Interagency Agreement

Amendment

Part 1 - General Information

1. EPA IAG Identification Number
DW-96-94216601 - 1

2. Other Agency IAG ID Number
96

3. Type of Action
Augmentation: Increase

4. Funding Location by Region
EPA R2

5. Program Office
Abbreviation
Region 2

6. Name and Address of EPA Organization
US Environmental Protection Agency
Emergency and Remedial Response Division
290 Broadway
New York, New York 10007-1866
DUNS: 029128894

7. Name and Address of Other Agency
Corps of Engineers-Omaha District E&M CX
1616 Capitol Ave., Suite 9200 (CEHNC-CX-ES)
Omaha, NE 68102-9200
DUNS: DOD9623AC

8. Project Title and Description
Cornell Dubilier Electronics, OU2, Remedial Action Activities
Soil Remediation for Operable Unit 2 at the Cornell Dubilier Electronics Superfund Site, South Plainfield, New Jersey.
Major (Amendment Req.); Increase funding by \$30,000,000. Note: Project Officer is changed from Vince Pitruzzello to Justin Gottesman.

9. EPA Project Officer (Name, Address, Phone Number)
Justin Gottesman
Emergency and Remedial Response Division
290 Broadway
New York, NY 10007-1866
212-637-4303

10. Other Agency Project Officer (Name, Address, Phone Number)
Marvene L. Seaman
USACE, CEHNC-CX-ES
1616 Capitol Ave., Suite 9200
Omaha, NE 68102-9200
402 697-2425

11. Project Period
09/30/2008 to 12/30/2012

12. Budget Period
09/30/2008 to 12/30/2012

13. Scope of Work

This amendment obligates an additional \$30,000,000 in funding to this agreement for the U.S. Army Corps of Engineers-New York District to continue remedial action activities (soil remediation) for OU2 at the Cornell Dubilier Electronics Superfund site (EPA ID#: NJD981557879). EPA and USACE will utilize the Direct Fund Cite and Revised Reimbursable payment methods. Funds are divided as follows:

	Previous	Current	Total
Revised Reimbursable (68-20X8145)	\$ 2,000,000	\$ 0	\$ 2,000,000
Direct Fund Cite (68-20X8145)	\$14,000,000	\$ 0	\$14,000,000
Direct Fund Cite (68-9/0 8195)	\$ 0	\$30,000,000	\$30,000,000
	<hr/> \$16,000,000	<hr/> \$30,000,000	<hr/> \$46,000,000

Funding Agency's Treasury Symbols: 68-20X8145 NO-YEAR
68-9/0 8195 2-YEAR

This IA amendment is to continue Remedial Action activities at the Cornell Dubilier Electronics Superfund site. There is no change in the scope of work.

This IA amendment between the USACE and the EPA transfers funds appropriated to EPA under the American Recovery and Reinvestment Act of 2009 (ARRA). Projects under this IA amendment shall be carried out in accordance with the provisions of the ARRA, the IA conditions detailed in this amendment, as well as the other terms and conditions of the IA itself.

Lab Certification Requirements, FY 09/10 Funds Availability, Reimbursement of Funds, ARRA Tracking and Reporting Requirement, and ARRA conditions are attached. All other terms and conditions of the original agreement remain in effect.

Pietro Mannino is the RPM and he can be reached at (212) 637-4395.

241385



EPA IA Specialist for this IA is John Owen 212-637-3415

14. Statutory Authority for Both Transfer of Funds and Project Activities
American Recovery and Reinvestment Act of 2009; CERCLA: Secs. 105(a)(4) & 115; Executive Order 12580 as amended

15. Other Agency Type
Federal Agency

Funds	Previous Amount	Amount This Action	Amended Total
16. EPA Amount	\$16,000,000	\$30,000,000	\$46,000,000
17. EPA In-Kind Amount	\$0	\$0	\$0
18. Other Agency Amount	\$0	\$0	\$0
19. Other Agency In-Kind Amt.	\$0	\$0	\$0
20. Total Project Cost	\$16,000,000	\$30,000,000	\$46,000,000

21. Fiscal

Site Name	DCN	FY	Approp.	Budget Org.	PRC	Object	Site/Project	Cost Org.	Obligation
CORNELL	HE0110	0910	TS	2AD0R	302DD2C	2506	02GZRA02	C004	30,000,000
									30,000,000

Part II - Approved Budget

EPA IAG Identification Number

DW-96-94216601 - 1

22. Budget Categories

Itemization of
This ActionItemization of Total Project
Estimated Cost to Date

(a) Personnel	\$0	\$411,868
(b) Fringe Benefits	\$0	\$226,526
(c) Travel	\$0	\$0
(d) Equipment	\$0	\$0
(e) Supplies	\$0	\$0
(f) Procurement / Assistance	\$30,000,000	\$44,000,000
(g) Construction	\$0	\$0
(h) Other	\$0	\$901,961
(i) Total Direct Charges	\$30,000,000	\$45,540,355
(j) Indirect Costs: Rate <u>72%</u> Base <u>\$0.00</u>	\$0	\$459,645
(k) Total (EPA Share 100.00 %) (Other Agency Share 0.00 %)	\$30,000,000	\$46,000,000

23. Is equipment authorized to be furnished by EPA or leased, purchased, or rented with EPA funds? ☐ Yes ☒ No

(Identify all equipment costing \$1,000 or more)

24. Are any of these funds being used on extramural agreements? (See Item 22f.) ☒ Yes ☐ NoType of Extramural Agreement ☐ Grant ☐ Cooperative Agreement ☒ Procurement

Contractor/Recipient Name (if known)	Total Extramural Amount Under This Project	Percent Funded by EPA (if known)
SEVENSON ENVIRONMENTAL	44000000	100
	Total \$ 44,000,000.00	

Part III - Funding Methods and Billing Instructions

25. (Note: EPA Agency Location Code (ALC) - 68010727)

- ☒ Disbursement Agreement
- ☒ Repayment ☐ Advance
- ☒ Monthly ☐ Quarterly ☐ Upon Completion of Work
- Request for repayment of actual costs must be itemized on SF 1080 and submitted to the Financial Management Office, Cincinnati, OH 45268-7002:
- Only available for use by Federal agencies on working capital fund or with appropriate justification of need for this type of payment method. Unexpended funds at completion of work will be returned to EPA. Quarterly cost reports will be forwarded to the Financial Management Center, EPA, Cincinnati, OH 45268-7002.
- ☐ Allocation Transfer-Out
- Used to transfer obligational authority or transfer of function between Federal agencies. Must receive prior approval by the Office of Comptroller, Budget Division, Budget Formulation and Control Branch, EPA Hdqtrs. Forward appropriate reports to the Financial Reports and Analysis Branch, Financial Management Division, PM-226F, EPA, Washington, DC 20460.

26.

- ☐ Reimbursement Agreement
- ☐ Repayment ☐ Advance
- ☐ Allocation Transfer-In

Funding Agency's Treasury Symbol ☐ One-Year ☐ Two-Year ☐ No-Year

Other Agency's IAG Identification Number

96

EPA Program Office Allowance Holder/Resp. Center No.

27

Other Agency's Billing Address (include ALC or Station Symbol Number)

Other Agency's Billing Instructions and Frequency

Part IV - Acceptance Conditions

EPA Identification Number

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27. General Conditions

The other agency covenants and agrees that it will expeditiously initiate and complete the project for which funds have been awarded under this agreement.

28. Special Conditions (Attach additional sheets if needed)**Part V - Offer and Acceptance**

Note: 1) For Disbursement actions, the agreement/amendment must be signed by the other agency official in duplicate and one original returned to the Grants Administration Division for Headquarters agreements or to the appropriate EPA Regional IAG administration office within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. The agreement/amendment must be forwarded to the address cited in item 29 after acceptance signature.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time may result in the withdrawal of offer by EPA. Any change to the agreement/amendment by the other agency subsequent to the document being signed by the EPA Action Official, which the Action Official determines to materially alter the agreement/amendment, shall void the agreement/amendment.

2) For Reimbursement actions, the other agency will initiate the action and forward two original agreements/amendments to the appropriate EPA program office for signature. The agreements/amendments will then be forwarded to the appropriate EPA IAG administration office for acceptance signature on behalf of the EPA. One original copy will be returned to the other agency after acceptance.

EPA IAG Administration Office (for administrative assistance)**29. Organization/Address**

US EPA R2
Grants and Contracts Management Branch
290 Broadway
New York, New York 10007-1866

EPA Program Office (for technical assistance)**30. Organization/Address**

US Environmental Protection Agency
Region 2
Emergency and Remedial Response Division
290 Broadway
New York, NY 10007-1866

Certification

All signers certify that the statements made on this form and all attachments thereto are true, accurate, and complete. Signers acknowledge that any knowingly false or misleading statements may be punishable by fine or imprisonment or both under applicable law.

Decision Official on Behalf of the Environment Protection Agency Program Office**31. Signature****Typed Name and Title**

Walter E. Mugdan, Director, Emergency and Remedial Response Division

Date

4/24/07

Action on Behalf of the Environment Protection Agency**32. Signature****Typed Name and Title**

Donna J. Vizian, Assistant Regional Administrator for Policy and Management

Date

MAY - 1 2008

Authorizing Official on Behalf of the Other Agency**33. Signature****Typed Name and Title**Joseph J. Seebode, Deputy District Engineer for Programs and Project Management
Division**Date**

5/6/09

TERMS AND CONDITIONS

12. Lab Certification Requirements

It is required that any environmental laboratory utilized by the USACE shall be currently certified or accredited for the matrix and analysis which are to be conducted for any work performed pursuant to this IA, by one of the following accreditation/certification programs: National Environmental Laboratory Accreditation Program (NELAP), American Association for Laboratory Accreditation (AALA), a current certification issued by a program conducted, or approved, by a State and acceptable to USEPA, or the contracted laboratory is currently participating in the USEPA Contract Laboratory Program.

13. FY 09/10 Funds Availability

This IA amendment is funded in part by fixed-year funding. The funds awarded under this IA from the FY 09/10 American Recovery and Reinvestment Act appropriation (Treasury Account Symbol 68-9/0 8195) must be obligated expeditiously and no later than the appropriation's expiration date of September 30, 2010. Under EPA's existing authorities, obligated funds from this appropriation are available for liquidation through September 30, 2017.

14. Reimbursement of Funds

USACE certified contractor invoices shall be paid from the American Recovery and Reinvestment Act (ARRA) appropriation (Treasury Account Symbol 68-9/0 8195) in accordance with the Direct Fund Cite payment method. All USACE in-house costs shall be paid from the Superfund Remedial Program Appropriation (Treasury Account Symbol 68-20X8145) in accordance with the revised reimbursement process.

15. American Recovery and Reinvestment Act (ARRA) Tracking and Reporting Requirement

The USACE shall provide a monthly summary of its use of ARRA funds transferred under this IA. The summary shall be submitted as an attachment to its monthly progress report using a template provided by the EPA Region 2 program office. The summary shall include the current month's performance of USACE In-house and USACE Contractor performed activities, reported separately, and a summary of the monthly expenditures also reported separately for each Treasury Account Symbol (TAS).

16. Recovery Act Administrative Terms and Conditions for Superfund Interagency Agreements with the U.S. Army Corps of Engineers

This Interagency Agreement (IA) between the U.S. Army Corps of Engineers (USACE) and the Environmental Protection Agency (EPA) transfers funds and provides direct cite authority for funds appropriated to EPA under the American Recovery and Reinvestment Act of 2009 (ARRA). Projects under this IA shall be carried out in accordance with the provisions of the ARRA, the IA conditions detailed in this agreement, as well as the other terms and conditions of the IA itself.

- A. Funds transferred to the USACE under this IA and any subsequent amendments using ARRA funds have a period of availability for obligation that runs through September 30, 2010. The USACE will ensure that its use of these funds is consistent with this period of availability. ARRA funds are available for Superfund remedial activities.
- B. The ARRA imposes unique reporting requirements on recipients of ARRA funds. ARRA defines a recipient as any entity that receives ARRA funds directly from the federal government by grant, loan or contract. ARRA's requirements also concern the availability of information for federal government oversight purposes and mandates additional requirements for other purposes. Therefore, the USACE agrees that the USACE will adhere

to, implement and include provisions, as determined by the USACE, in its agreements with USACE contractors to comply with the following requirements of ARRA, newly promulgated FAR requirements, and any Office of Management and Budget (OMB) ARRA implementing guidance:

1. Section 1512 – Reports on Use of Funds
 2. Section 1514 – Inspector General Reviews
 3. Section 1515 – Access Of Offices Of Inspector General To Certain Records and Employees
 4. Section 1553 – Protecting State and Local Government and Contractor Whistleblowers
 5. Section 1604 – Limit on Funds
 6. Section 1605 – Buy American
 7. Section 1606 – Wage Rate Requirements
- C. As required by ARRA, the funds appropriated to an agency will have unique Treasury symbols (account codes) to facilitate tracking these funds separately from other appropriated funds. In addition, as required by the OMB Guidance, agencies performing work under interagency agreements "in their financial system and budget execution reports will separately show obligations incurred . . . from the ordering Treasury [accounts] that hired it to perform work using [ARRA] funds." EPA and USACE follow the direct cite/revised reimbursable process for Superfund project funding. EPA will report any direct cite (contract) obligations and disbursements to Recovery.gov. USACE will report contract award information in the Federal Procurement Data System. USACE will follow any OMB guidance that requires reporting on revised reimbursable funds.